

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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Civil Action No. 4:20-cv-00957-SDJ

GOOGLE LLC’S BRIEF ON PROPOSED SPECIAL MASTER DAVID T. MORAN

While the Court considers the appointment of a Special Master, and pursuant to the Court's January 3, 2024 Order, *see* ECF No. 195, Google respectfully reiterates the points raised in Google's Brief Regarding the Use of a Special Master. *See* ECF No. 191. A Special Master should be appointed "when the need is clear." Fed. R. Civ. P. 53 Advisory Committee Notes (2003 Amendment). There is no need for the appointment of a Special Master, *see* ECF No. 191 at 1, because there are currently no pending discovery disputes (and tellingly, not one dispute raised under Local Rule CV-7(h) has been filed to date) for a Special Master to oversee. *See id.* at 2-7.

Google does not object to the appointment of David T. Moran, if and when the need should arise. However, should any Special Master be appointed, his or her authority should be limited to discovery disputes that remain unresolved after the meet-and-confer and telephone-conference process per Local Rule CV-7(h), as noted by the Court in its recent Scheduling Order, *see* ECF No. 194 at 8. Likewise, only those disputes that "cannot be effectively and timely addressed" by Your Honor, *see* Fed. R. Civ. P. 53(a)(1)(C), should be referred to him or her. Any decisions made by any Special Master should also be appealable to this Court. *See* Fed. R. Civ. P. 53(f)(2).

Dated: January 9, 2024

Respectfully submitted,

/s/ R. Paul Yetter

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CERTIFICATE OF SERVICE

I certify that on this 9th day of January, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ R. Paul Yetter

R. Paul Yetter